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**CARRIERS — FEDERAL REGULATION — PROFIT ON PARTICULAR SERVICE.** — For unloading and reconsigning hay at an intermediate point the defendant carrier charged the plaintiff an amount exceeding the actual cost of the service to the defendant. The Interstate Commerce Commission awarded to the plaintiff the excess above such cost. *Held*, that as the defendant is entitled to a reasonable profit on such a transaction, the court will not enforce the award. *Southern Railway Co. v. St. Louis Hay & Grain Co.*, 29 Sup. Ct. 679.

No regulation of charges can deprive a public service corporation of a reasonable return on the total investment. *Smyth v. Ames*, 169 U. S. 466. But each particular service to the public need not necessarily render a profit to the corporation. *Atlantic Coast Line R. R. Co. v. North Carolina Corporation Commission*, 206 U. S. 1. See 21 HARV. L. REV. 49. Still, when the sovereign compels a service at less than cost there must be shown to be a benefit to the general public, rather than to any class selected for legislative favor. See *Atlantic Coast Line R. R. Co. v. North Carolina Corporation Commission*, *supra*, p. 26. And it seems essential that such a demand on the corporation must be justified by showing a necessity for such service. Although the situation in the principal case did not show any such necessity, as the service rendered was not part of the regular transportation but a privilege accorded the shipper, the decision may make the law that for such services a carrier can demand compensation above the actual cost. This view is supported by cases allowing a railroad to collect warehouse charges on freight not promptly removed by a consignee even above those regularly charged by warehousemen. *Miller v. Georgia Railroad & Banking Co.*, 88 Ga. 563.

**CARRIERS — LIEN — UNAUTHORIZED SHIPMENT BY THIRD PARTY.** — The plaintiff shipped machinery to a purchaser, with a reservation of title as security for the payment of the purchase price. Before such payment, a third party, lawfully in possession, shipped the goods on the defendant's railroad, without the plaintiff's express or implied authority. The defendant was ignorant of the plaintiff's ownership. *Held*, that the defendant has no lien for freight and demurrage charges. *Corinth Engine & Boiler Works v. Mississippi Central R. Co.*, 49 So. 261 (Miss.).

In a case like that under discussion, an English court would probably give the carrier a lien, on the ground that he is obliged to carry goods offered for transportation. See *Yorke v. Grenaugh*, 2 Ld. Raym. 866, 867. But in the United States it is recognized that this obligation does not extend to goods offered for shipment by a third party without the owner's authority. See *Robinson v. Baker*, 5 Cush. (Mass.) 137, 145. The reason failing, the rule grounded upon it must fall. Hence our courts have uniformly held that the necessary foundation for a carrier's lien is a debtor and creditor relation between carrier and owner. *Fitch v. Newberry*, 1 Doug. (Mich.) 1. The basis of the American decisions is the universal principle that a man's personal property cannot be taken from him without his consent. To be consistent, our courts should also break with the English law in the analogous case of the innkeeper. The parallel is perfect, except that it is less practicable for the innkeeper to demand payment in advance. Whether the plaintiff in the principal case should have been estopped to deny the conditional vendee's authority to deal with the goods as his own, does not sufficiently appear. Cf. *Vaughan v. The Providence & Worcester R. Co.*, 13 R. I. 578.

**CONSTITUTIONAL LAW — DUE PROCESS OF LAW — COMMITMENT OF DEFENDANT ACQUITTED BECAUSE OF INSANITY.** — A defendant was acquitted of a charge of homicide because of insanity. Under a statutory provision the court thereupon committed him to an asylum. He applied for a discharge under a writ of *habeas corpus*, and later appealed from an order dismissing the writ. *Held*, that the order be affirmed. *People ex rel. Peabody v. Chanler*, 117 N. Y. Supp. 322 (Sup. Ct., App. Div.).

For a discussion of the principles involved, see 22 HARV. L. REV. 218.